

PETITION FOR ZONING VARIANCE 84-136-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit side yard setbacks of 0 ft. and 8 ft. and a rear yard setback of 10 ft., all in lieu of the required 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To use as a one story medical office building with the required 14 parking spaces, the lot is only usable with the building erected towards the rear of this lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Jersey W. North
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
James Swartz
224 York Road, Towson, Md. 21204
879-1520
Address
Phone No.

ORDERED By The Zoning Commission of Baltimore County, this 30th day of August, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of November, 1983, at 11:00 o'clock A.M.

Arnold Jablon
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Rd. & Willow Ave. : OF BALTIMORE COUNTY
9th District :
JAMES SWARTZ, Petitioner : Case No. 84-136-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

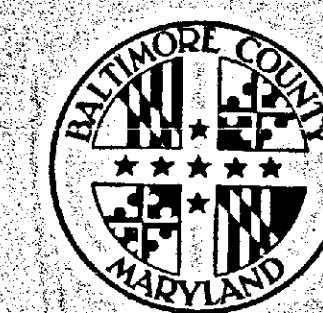
I HEREBY CERTIFY that on this 3rd day of November, 1983, a copy of the foregoing Order was mailed to Jeremy W. North, Esquire, 200 Court Square Building, Baltimore, MD 21202, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: October 24, 1983
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: James Swartz
84-136-A

A CRG meeting will be required. Further, all comments set forth in the prior variance request (82-19-A) regarding landscaping, road widening, etc. should be complied with.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEO:JGH:cav

Jersey W. North, Esquire
200 Court Square Building
Baltimore, Md. 21202

Keller & Keller
3914 Woodlea Avenue
Baltimore, Md. 21206

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 30th day of August, 1983.

Petitioner James Swartz
Petitioner's Attorney
Jersey W. North, Esq.

Received by
Arnold Jablon
Zoning Commissioner
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 9, 1983

Jersey W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

RE: Case No. 84-136-A (Item No. 61)
Petitioner - James Swartz
Variance Petition

Dear Mr. North:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your client's proposal to construct an office building within 0' and 8' of the side property lines and 10' of the rear property line, this hearing is required. It should be noted that this property was the subject of a previous zoning hearing (Case #82-19-A) in which setback and parking variances were granted.

As I discussed with your surveyor, Mr. Keller, the site plan must indicate 15 available parking spaces. In addition, I spoke to Mr. George Vitman, State Highway Administration, whose comment was not available, and he indicated that he would strongly recommend access be limited to Willow Avenue. However, he cannot deny the proposed access from York Road. I suggest that you contact him at 659-1351 prior to the hearing and obtain this comment in writing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

cc: Keller & Keller
3914 Woodlea Avenue
Baltimore, Maryland 21206

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 30, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #61 (1983-1984)
Property Owner: James Swartz
N/E corner York Rd. and Willow Ave.
Acres: 0.324 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 197 (1980-1981) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 61 (1983-1984).

Very truly yours,

Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

N-W Key Sheet
37 NE 3 Pos. Sheet
NE 10 A Topo
70 Tax Map

Attachment

May 25, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #197 (1980-1981)
Property Owner: James C. Swartz
N/E corner York Road and Willow Avenue
Acres: 14.247 sq. ft. District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, enclosures and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Willow Avenue, an existing public street, is proposed to be improved in the future as a 34-foot closed section roadway on a 50-foot right-of-way with a fillet area for sight distance at the intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drainage:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Md. 21202

Keller & Keller
3914 Woodlea Avenue
Baltimore, Md. 21206

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
30th day of August, 1983.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner James Swartz

Received by *[Signature]*

Petitioner's Attorney: Jeremy W. North, Esq.

Nicholas B. Commodore
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by:			Revised Plans: Change in outline or description Yes <input type="checkbox"/> No <input type="checkbox"/>							
Previous case: 82-197			Map #							

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

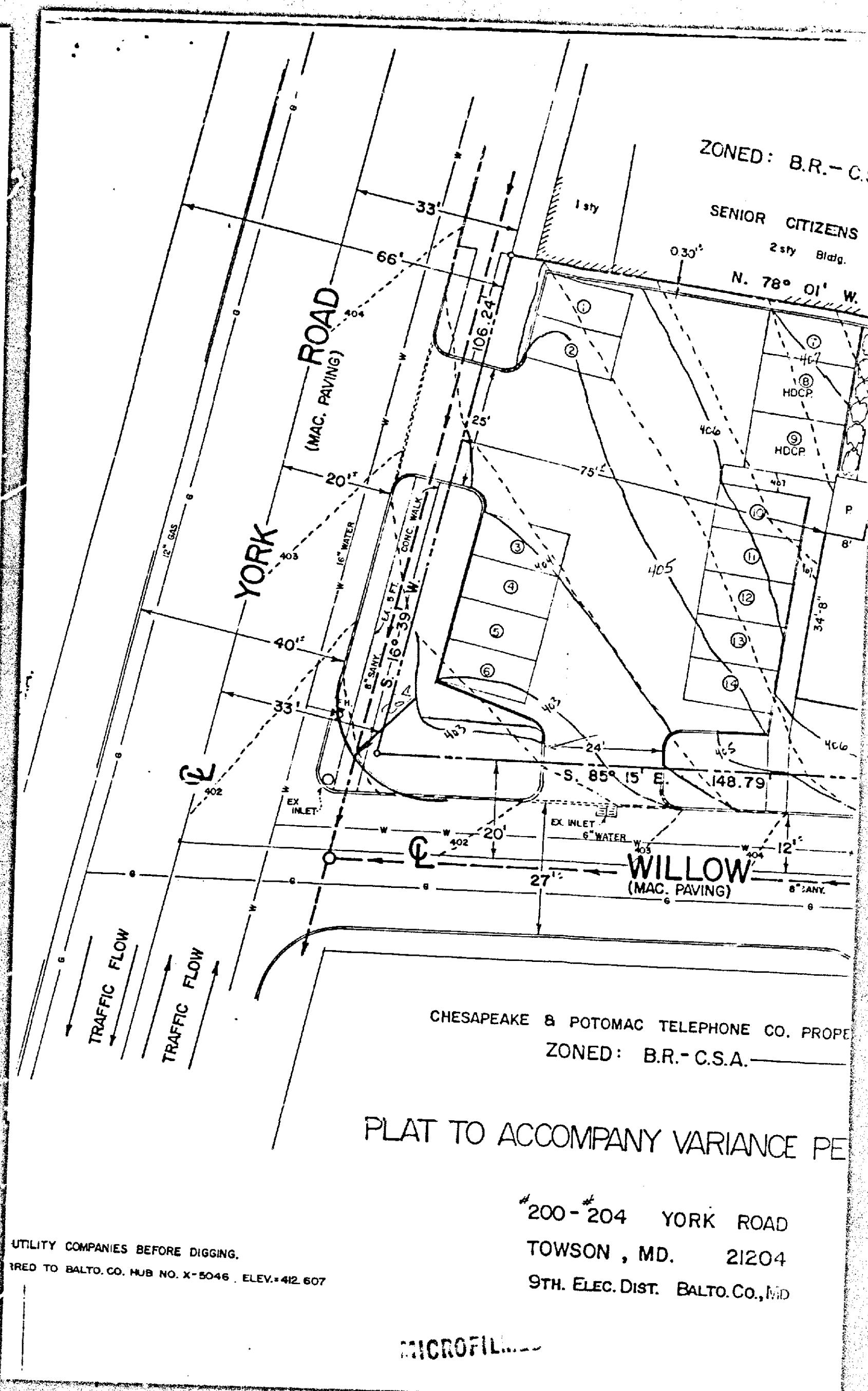
District: 9 Date of Posting: 10/30/83
Posted for: *[Signature]*
Petitioner: James Swartz
Location of property: NEIC *[Signature]*
Location of Sign: *[Signature]*
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 11/4/83
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 27, 1983
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 16th day of October, 1983, the 27th day of October, 1983.
THE JEFFERSONIAN
[Signature]
Manager
Cost of Advertisement, \$22.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/31/1983
THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 26th day of Oct. 1983.
THE TOWSON TIMES
[Signature]
Cost of Advertisement, \$27.84



Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

NOTICE OF HEARING

Re: Petition for Variances
NE/corner of York Road and Willow Avenue
James Swartz - Petitioner
Case No. 84-136-A

TIME: 11:00 A.M.
DATE: Wednesday, November 16, 1983
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121581

DATE: 8-19-87 ACCOUNT: R-01-515-020

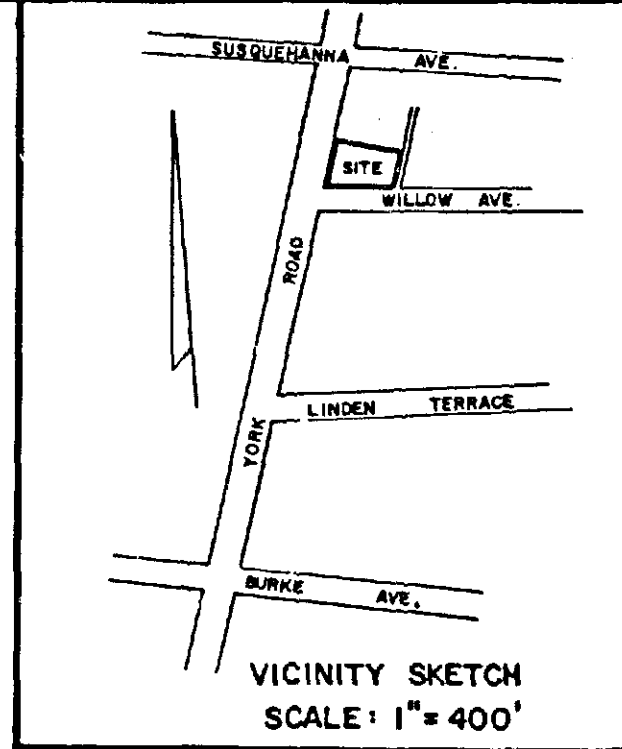
AMOUNT: 100.00

RECEIVED FROM: *[Signature]*
FOR: *[Signature]*

6 011*****1000010-1984

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED



GENERAL NOTES

EXISTING ZONING	B.R.-C.S.A.
AREA OF PROPERTY	0.324 AC.
BLDG. FL. AREA	4277 sq. ft.
PKG. SPACES REQUIRED	$4277 \div 300 = 14$
PKG. SPACES SHOWN	14

PETITIONS		
ITEMS	REQUIRED	VARIANCE
SIDE STREET SETBACK	30'	8'
REAR YARD SETBACK	30'	10'
SIDE YARD SETBACK	30'	0'

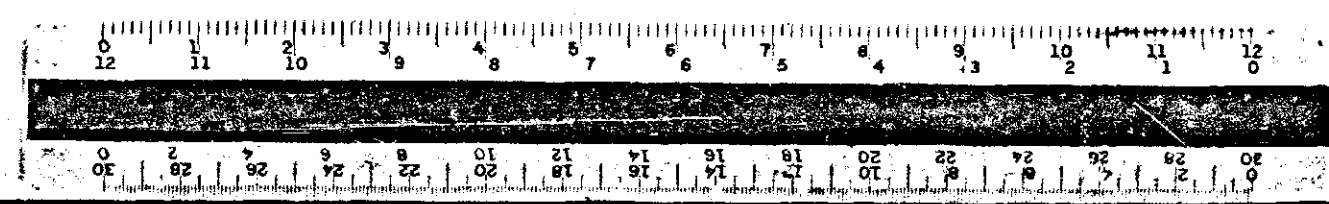
MAP, 20, 11-10-83
ELECTION DISTRICT, 9th
DATE, 8/1/83
BY, [Signature]
FINAL

Microfilmed

KELLER & KELLER
LAND SURVEYORS
3914 WOODLEA AVE.
BALTO., MD. 21206
301-483-5150

SCALE: 1" = 20'
DATE: JULY 29th, 1983

[Signature]
REG. PROF. P.L.S. NO. 67



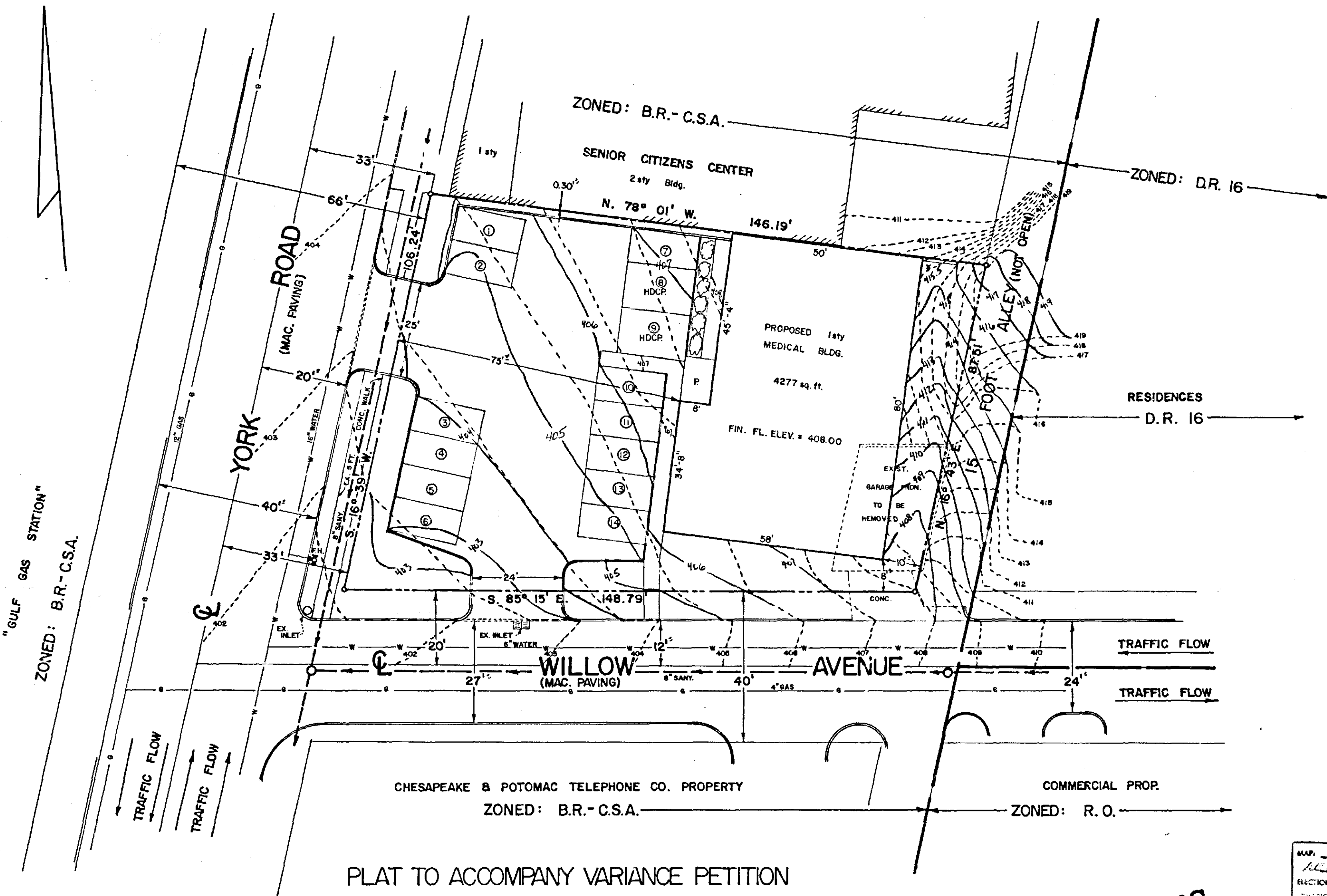
PLAT TO ACCOMPANY VARIANCE PETITION

#200-#204 YORK ROAD
TOWSON, MD. 21204
9TH. ELEC. DIST. BALTO. CO., MD.

PETITIONER'S EXHIBIT

NOTES:

PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.
ELEVATIONS ARE REFERRED TO BALTO. CO. HUB NO. X-5046 ELEV.=412.607
CONTOUR INTERVAL = 1"
EXISTING CONTOURS SHOWN THUS: 410
PROPOSED CONTOURS SHOWN THUS: 410
PROPOSED PARKING SPACES SHOWN THUS: SIZE: 9' X 18' TYP.
HDCP: 12' X 18' TYP.



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit _____

Item #197 (1980-1981)
Property Owner: James C. Swartz
Page 2
May 25, 1981

Storm Drainage (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers

Public water supply and sanitary sewerage are available to serve this property.

Very truly yours,
EDWARD A. MCCOY, JR.
ROBERT A. MORROW, P.E., Chief
Bureau of Public Services

COMMUNICATIONS

cc: Jack Nimbley

N-W Key Sheet
37 ME 3 Pos. Sheet
MS 10 A Topo
70 Tax Map



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 61 -ZAC- Meeting of August 30, 1983
Property Owner: James Swartz
Location: NE/Cor. York Road and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to permit a rear yard setback of 10' and side yard setbacks of 8' and 0' in lieu of the required 30'.

Acres: 0.324
District: 9th

Dear Mr. Hammond:

This site should have only one entrance and that entrance should be on Willow Avenue.

MSF/cmm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 61, Zoning Advisory Committee Meeting of Aug. 30, 1983

Property Owner: James Swartz

Location: NE/Cor. York Road District 9

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (✓) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 61
Page 2

- (X) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
 - { } The results are valid until _____
 - { } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until _____
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.

(X) Others IF submission of plans to the County Review Group is required, A Hydrogeological Study and an Environmental Effects Report must be submitted

John J. Forrest
John J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS & LICENSES
TOWSON, MARYLAND 21204
494-3900

September 21, 1983

TED TALESKI, JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 61 Zoning Advisory Committee Meeting are as follows:

Property Owner: James Swartz
Location: NE/Cor. York Road and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to permit a rear yard setback of 10' and side yard setbacks of 8' and 0' in lieu of the required 30'.
Acres: 0.324
District: 9th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 4-82 State of Maryland Code for the Handicapped and Age/ and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- X E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 1401, Item 2, Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- E. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed, comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.

X L. Comments: A razing permit is required. The north wall shall be a fire wall in compliance with Section 1407 and Table 1402. Section 1414 may also be applicable to exterior wall openings. Post proper signs for Handicapped Parking etc., Section 1805.0, 1806.0, 1807.0 and other applicable code sections shall be complied with.

NOTE: These comments reflect only on the information provided by the applicant submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of my permit. If desired, additional information may be obtained by visiting Room 4122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:rrrj
FORM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 29, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 30, 1983

RE: Item No: 55, 56, 57, 58, 59, 60, 61, 62 & 63
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich, Assistant
Department of Planning

WNP/bp

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

RE: Item No. 61 - Case No. 84-136-A
Petitioner - James Swartz
Variance Petition

Dear Mr. North:

Enclosed please find additional comments submitted after my original comments of November 9, 1983. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: Keller & Keller
3914 Woodlea Avenue
Baltimore, Md. 21206



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Calhoun
Administrator

November 18, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting
ITEM: #61
Property Owner: James Swartz
Location: NE/Cor. York Road
Route 45 and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance
to permit a rear yard setback of 10' and side yard setbacks of 8' and 0' in lieu of the required 30'.
Acres: 0.324
District: 9th

Dear Mr. Jablon:

On review of the site plan to accompany the Variance Petition, the State Highway Administration offers the following comments.

We strongly recommend that all access to the site be by way of existing Willow Avenue.

With entrance reconstruction within the State Highway Administration right-of-way, we recommend the radius at the northeast quadrant of York Road and Willow Avenue be reconstructed to match the existing radius at the southeast (20'- radius).

The existing inlet and fire hydrant must be relocated with the 20' radius.

My telephone number is (301) 659-1350

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of November, 1983, that the Petition for Variances to permit side yard setbacks of zero feet and eight feet and a rear yard setback of ten feet instead of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. A revised site plan showing appropriate landscaping and screening shall be submitted to and approved by the Current Planning and Development Division, Office of Planning and Zoning, and the Zoning Office.

Arnold Jablon
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE November 19, 1983
BY *John P. Hession, III*
Administrative Assistant

Mr. A. Jablon -2-

November 18, 1983

All work within the State Highway Administration Right of Way must be through permit with the posting of a bond to guarantee construction.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle

PETITION FOR VARIANCES

9th Election District

ZONING: Petition for Variances
LOCATION: Northeast corner of York Road and Willow Avenue
DATE & TIME: Wednesday, November 16, 1983 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit side yard setbacks of 0 ft. and 8 ft. and a rear yard setback of 10 ft., all in lieu of the required 30 ft.

The Zoning Regulation to be excepted as follows:
Section 238.2 - side and rear yard setbacks in B.R. zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of James Swartz, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCES
NE/Corner of York Road and
Willow Avenue - 9th Election
District
James Swartz,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-136-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of zero feet and eight feet and a rear yard setback of ten feet, all instead of the required 30 feet. The purpose of the request is to permit the construction of a one-story medical office building, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also testifying for the Petitioner was Roger Z. Elliott, a neighbor and resident of the area immediately adjacent to the subject site. There were no Protestants.

Testimony indicated that the property is zoned B.R.-C.S.A., which allows an office building as a matter of right, and is bounded by York Road and Willow Avenue. The Petitioner requires a zero-foot side yard setback on the northern lot line and an eight-foot setback on the south.

The office building proposed would require 14 parking spaces, as shown on Petitioner's Exhibit 1. If the building was to be relocated forward from its proposed placement, some of these spaces would be usurped and the Petitioner would not be able to meet the required number of spaces. The Petitioner also seeks a rear yard setback of ten feet. The Petitioner testified that the size of the proposed building is dictated by the unusual needs associated with a medical office building in that in order to attract doctors, associated medical services required by them need to be offered close by. The Petitioner has experience as a trustee

ORDER RECEIVED FOR FILING

DATE November 19, 1983
BY *John P. Hession, III*
Administrative Assistant

ORDER RECEIVED FOR FILING

DATE November 19, 1983
BY *John P. Hession, III*
Administrative Assistant

for North Charles General Hospital and is familiar with doctors and the affiliated services required in a building dedicated to medical services.

Mr. Elliott testified that as an immediate neighbor to the rear, he is in favor of the proposed building as a buffer to the noise and traffic resulting from York Road. He testified that he talked with some of his neighbors who also are not opposed.

The Petitioner seeks relief from Section 238.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not to be granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the

PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION TO
ACCOMPANY VARIANCE PETITION
#200-#204 York Road

City, Farm and
Topographical Surveys
Land Subdivisions
Earthwork Computations

Municipal Engineering
Construction Supervision
Road Location, Reports
Plans and Specifications

BEGINNING at the corner formed by the intersection of the East side of York Rd. & the North side of Willow Ave., and running thence along the said North side of Willow Ave. S. 85 15' E. 148.79' to the West side of a 15' alley; thence along said alley N. 16 43' E. 87.51'; thence for a line of division W. 78 01' W. 146.19' to the said East side of York Rd.; thence along East side of York Rd. S. 16 39' W. 106.24' to the place of beginning.

CONTAINING 0.324 Acres of land more or less



George T. Keller
George T. Keller
Reg. Prof. P.L.S. No. 67

November 18, 1983

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

IN RE: Petition Zoning Variances
NE/Corner of York Road and Willow
Avenue - 9th Election District
James Swartz, Petitioners
Case No. 84-136-A

Dear Mr. North:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

October 20, 1982

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

NOTICE OF HEARING

Re: Petition for Variances
NE/corner of York Road and Willow Avenue
James Swartz - Petitioner
Case No. 84-136-A

TIME: 11:00 A.M.

DATE: Wednesday, November 16, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121581

DATE: 8-12-87 ACCOUNT: R-11-115-000

AMOUNT: 100.00

RECEIVED FROM: *[Signature]*
FOR: *[Signature]*

6 011*****100000 319AA

VALIDATION OR SIGNATURE OF CASHIER

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by:	Revised Plans:									
Previous case: 82-19-A	Change in outline or description: Yes									
	Map #									



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 14, 1983

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

Re: Petition for Variances
NE/cor. York Rd. & Willow Avenue
James Swartz - Petitioner
Case No. 84-136-A

Dear Mr. North:

This is to advise you that \$55.59 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
g Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122932

DATE: 11/15/83 ACCOUNT: 1-01-615-000

AMOUNT: 55.59

RECEIVED FROM: *[Signature]*
FOR: *[Signature]*

6 070*****555916 5172A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCES
3rd Election District

ZONING: Petition for Variance
LOCATION: Northeast corner of
York Road and Willow Avenue
DATE & TIME: Wednesday, November 16, 1983 at 11:00 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 West
Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Variance to amend side yard setback of 10 ft. to 15 ft. and rear yard setback of 10 ft. to 15 ft. of the property at 200 Court Square Building, Baltimore County, Maryland.

The property is located in the North District of Baltimore County, beginning at the corner formed by the intersection of the East side of York Rd. & the North side of Willow Ave. and extending along the East side of York Rd. to the West side of a 15' alley; thence along said alley to the East side of York Rd.; thence along East side of York Rd. to the North side of the line of beginning; thence along the line of beginning to the place of beginning.

Being the property of James Swartz as shown on plat case filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the sixty (60) day appeal period. The Zoning Commission will, however, entertain any appeal for a stay of the issuance of said permit during this period for good cause shown. Such request must be presented in writing by the date of the hearing and above or made at the hearing.

By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Oct. 11

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 27, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 16th day of October, 1983, the first publication appearing on the 27th day of October, 1983.

THE JEFFERSONIAN
[Signature]
Manager.

Cost of Advertisement, \$22.75

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9 Date of Posting: 10/30/83

Posted for: *[Signature]*

Petitioner: James Swartz

Location of property: NE/cor. York Rd. & Willow Ave.

Location of Signs: *[Signature]*

Remarks: *[Signature]*

Posted by: *[Signature]* Date of return: 11/4/83

Number of Signs: 1

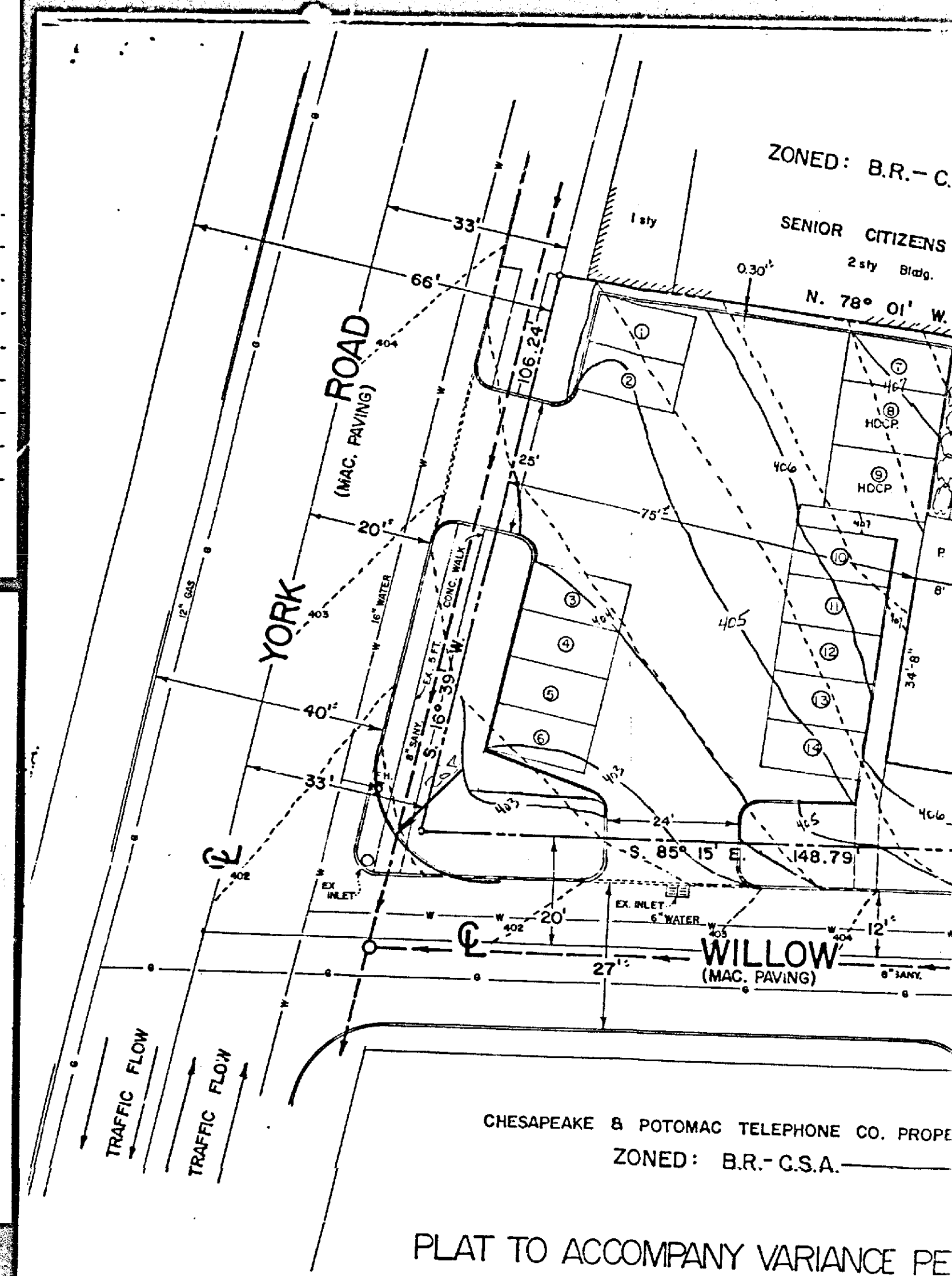
CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3/83

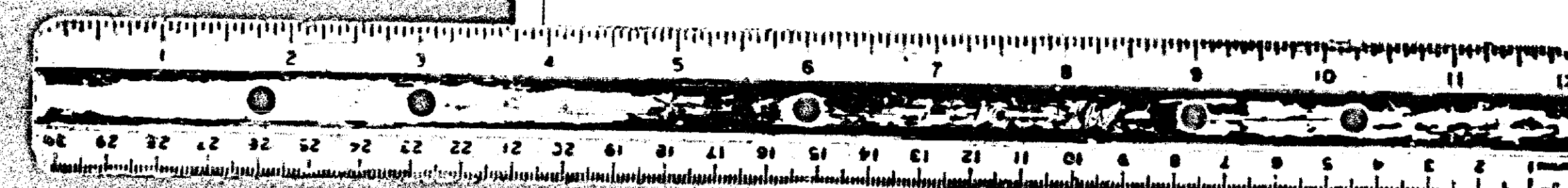
THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 26th day of Oct. 1983.

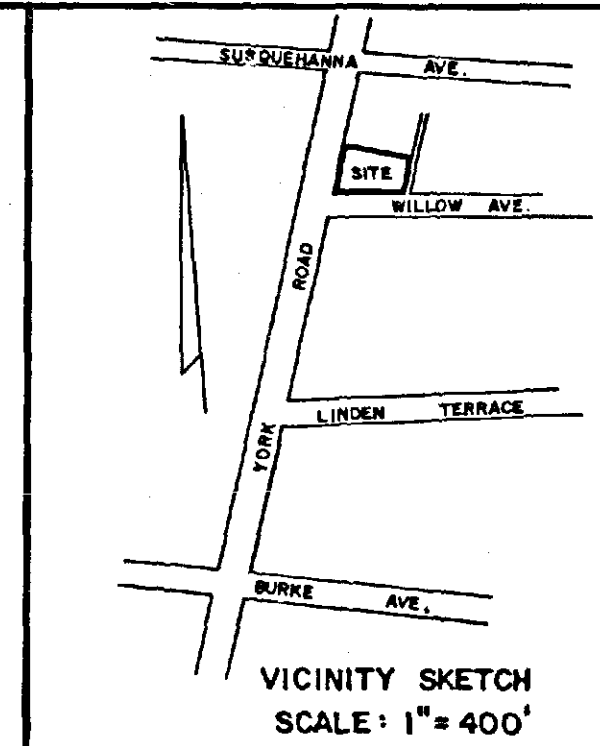
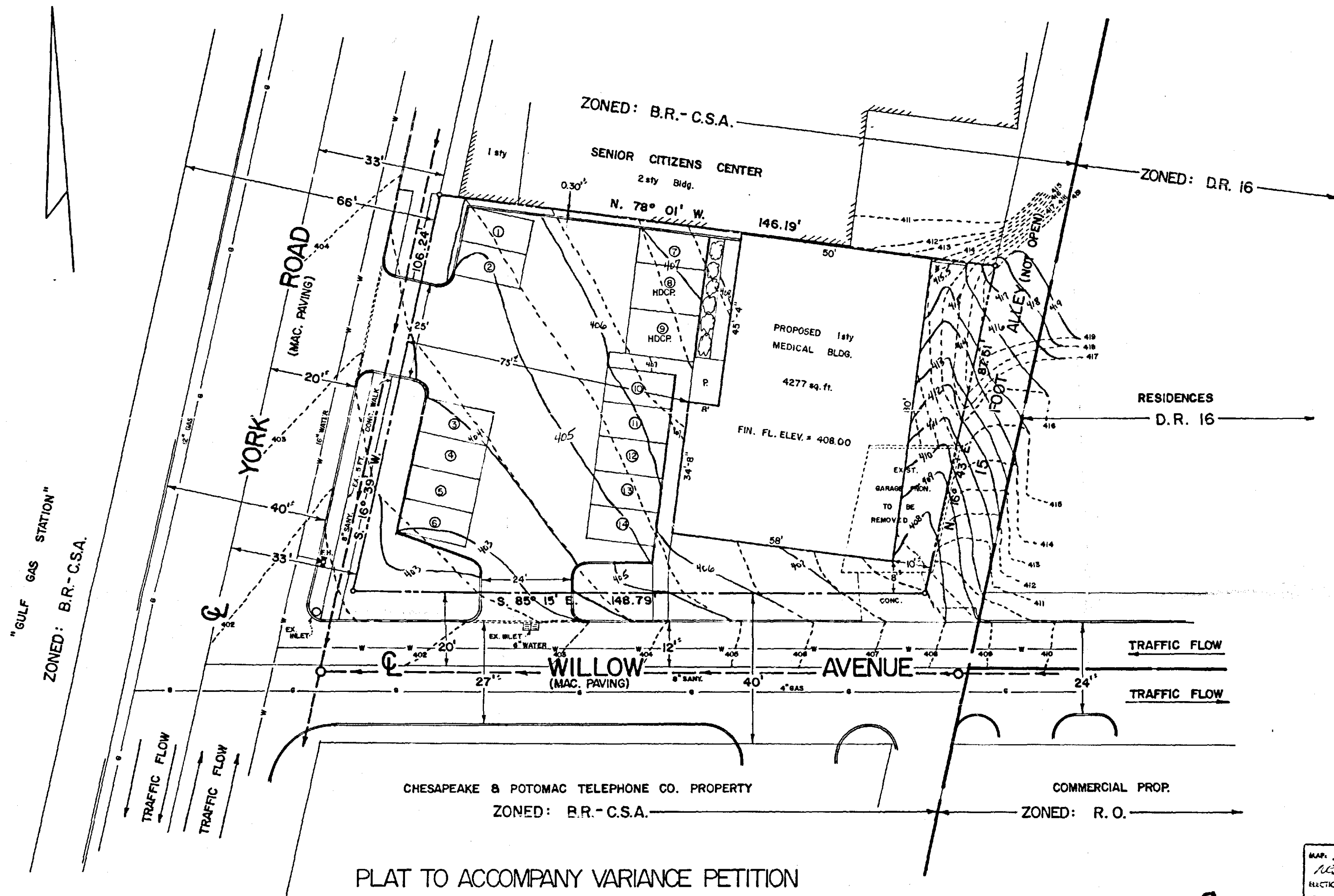
THE TOWSON TIMES
[Signature]

Cost of Advertisement, \$27.84



UTILITY COMPANIES BEFORE DIGGING.
Wired to BALTO. CO. MUB NO. X-5046. ELEV. 412.607





GENERAL NOTES

EXISTING ZONING	B.R.-C.S.A.
AREA OF PROPERTY	0.324 AC.
BLDG. FL. AREA	4277 sq. ft.
PKG. SPACES REQUIRED	$4277 \div 300 = 14$
PKG. SPACES SHOWN	14

PETITIONS		
ITEMS	REQUIRED	VARIANCE
SIDE STREET SETBACK	30'	8'
REAR YARD SETBACK	30'	10'
SIDE YARD SETBACK	30'	0'

MAP: 20
 REVISION: 1
 DISTRICT: 9
 DATE: 7/20
 TYPE: 1
 DRAWING: 1
 BY: [Signature]

Item #61

NOTES:

PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.
 ELEVATIONS ARE REFERRED TO BALTO. CO. HUB NO. X-5046 ELEV. 412.607
 CONTOUR INTERVAL = 1"
 EXISTING CONTOURS SHOWN THUS: 410
 PROPOSED CONTOURS SHOWN THUS: 410
 PROPOSED PARKING SPACES SHOWN THUS: ⑦ SIZE: 9' X 18' TYP.
 HDCP: 12' X 18' TYP.

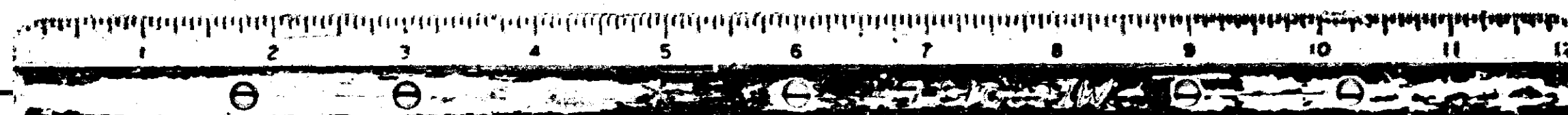
200-204 YORK ROAD
 TOWSON, MD. 21204
 9TH. ELEC. DIST. BALTO. CO., MD.

**PETITIONER'S
 EXHIBIT**

SCALE: 1" = 20'
 DATE: JULY 29th, 1983

Geoff. Selby
 REG. PROF. P.L.S. NO. 67

KELLER & KELLER
 LAND SURVEYORS
 3914 WOODLEA AVE.
 BALTO., MD. 21206
 301-483-5150



84-136-A

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit side yard setbacks of 0 ft. and 8 ft. and a rear yard setback of 10 ft., all in lieu of the required 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To use as a one story medical office building with the required 14 parking spaces, the lot is only usable with the building erected towards the rear of this lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address
City and State
Phone No.

Legal Owner(s):
James Swartz
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State
Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
James Swartz
122 York Road, Towson, Md. 21204
879-1520
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of August, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of November, 1983, at 11:00 o'clock A.M.

Cal Job
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 9, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

RE: Case No. 84-136-A (Item No. 61)
Petitioner - James Swartz
Variance Petition

Dear Mr. North:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your client's proposal to construct an office building within 0' and 8' of the side property lines and 10' of the rear property line, this hearing is required. It should be noted that this property was the subject of a previous zoning hearing (Case #82-19-A) in which setback and parking variances were granted.

As I discussed with your surveyor, Mr. Keller, the site plan must indicate 15 available parking spaces. In addition, I spoke to Mr. George Wittman, State Highway Administration, whose comment was not available, and he indicated that he would strongly recommend access be limited to Willow Avenue. However, he cannot deny the proposed access from York Road. I suggest that you contact him at 659-1351 prior to the hearing and obtain this comment in writing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NBC:mch

Enclosures

cc: Keller & Keller
3914 Woodlea Avenue
Baltimore, Maryland 21206

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NE Corner York Rd. & Willow Ave.
9th District : OF BALTIMORE COUNTY
JAMES SWARTZ, Petitioner : Case No. 84-136-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of November, 1983, a copy of the foregoing Order was mailed to Jeremy W. North, Esquire, 200 Court Square Building, Baltimore, MD 21202, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 30, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #61 (1983-1984)
Property Owner: James Swartz
N/E corner York Rd. and Willow Ave.
Acres: 0.324 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:
The comments supplied in conjunction with the Zoning Advisory Committee review of this property in connection with Item 197 (1980-1981) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 61 (1983-1984).

Very truly yours,

Robert A. Norton, P.E., Chief
Bureau of Public Services

RAM:EM:FWR:ss

N-MW Key Sheet
37 NE 3 Pos. Sheet
NE 10 A Topo
70 Tax Map

Attachment

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

May 25, 1981

Mr. William T. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #197 (1980-1981)
Property Owner: James C. Swartz
N/E corner York Road and Willow Avenue
Acres: 14,242 sq. ft. District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Willow Avenue, an existing public street, is proposed to be improved in the future as a 37-foot closed section roadway on a 50-foot right-of-way with a fillet area for sight distance at the intersection.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: James Swartz
84-136-A
Date: October 24, 1983

A CRG meeting will be required. Further, all comments set forth in the prior variance request (82-19-A) regarding landscaping, road widening, etc. should be complied with.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

Item #197 (1980-1981)
Property Owner: James C. Swartz
Page 2
May 25, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are available to serve this property.

Very truly yours,

Robert A. Norton, P.E., Chief
Bureau of Public Services

RAM:EM:FWR:ss

cc: Jack Winbly

N-MW Key Sheet
37 NE 3 Pos. Sheet
NE 10 A Topo
70 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 61 -ZAC- ting of August 30, 1983
Property Owner: James Swartz
Location: NE/Cor. York Road and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to permit a rear yard setback of 10' and side yard setbacks of 8' and 0' in lieu of the required 30'.

Acres: 0.324
District: 9th

Dear Mr. Hammond:

This site should have only one entrance and that entrance should be on Willow Avenue.

Michael S. Flannigan
Michael S. Flannigan
Traffic Engineer Assoc. II

MSF/ccm

MICROFILMED

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 61, Zoning Advisory Committee Meeting of Aug. 30, 1983

Property Owner: James Swartz

Location: NE/Cor. York Road District 9

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 23 1082 (1)

MICROFILMED

Zoning Item # 61

Page 2

- (X) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
 - { } The results are valid until _____
 - { } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until _____
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others IF submission of plans to the County Review Group is required, A Hydrogeological Study and an Environmental Effects Report must be submitted

Sam J. Ferraro
Sam J. Ferraro, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

Lowell K. Bridwell
Secretary
M. S. Callender
Administrator

November 18, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting
ITEM: #61
Property Owner: James Swartz
Location: NE/Cor. York Road
Route 45 and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to permit a rear yard setback of 10' and side yard setbacks of 8' and 0' in lieu of the required 30'.
Acres: 0.324
District: 9th

Dear Mr. Jablon:

On review of the site plan to accompany the Variance Petition, the State Highway Administration offers the following comments.

We strongly recommend that all access to the site be by way of existing Willow Avenue.

With entrance reconstruction within the State Highway Administration right-of-way, we recommend the radius at the northeast quadrant of York Road and Willow Avenue be reconstructed to match the existing radius at the southeast (20'± radius).

The existing inlet and fire hydrant must be relocated with the 20' radius.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 965-0451 D.C. Metro - 1-800-455-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203-0717

64-124

MICROFILMED

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: August 29, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No: 55, 56, 57, 58, 59, 60, 61, 62 & 63
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

Z.A.C. Meeting of: August 30, 1983

District:
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no adverse effect on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1983

COUNTY OFFICE BLDG.
111 M. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

RE: Item No. 61 - Case No. 84-136-A
Petitioner - James Swartz
Variance Petition

Dear Mr. North:

Enclosed please find additional comments submitted after my original comments of November 9, 1983. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

cc: Keller & Keller
3914 Woodlea Avenue
Baltimore, Md. 21206

MICROFILMED



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
654-9900

TED ZALUSKI JR.
DIRECTOR

September 21, 1983

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond

Comments on Item # 61 Zoning Advisory Committee Meeting are as follows:

Property Owner: James Swartz
Location: NE/Cor. York Road and Willow Avenue
Existing Zoning: B.R.-CSA
Proposed Zoning: Variance to permit a rear yard setback of 10' and side yard setbacks of 8' and 0' in lieu of the required 30'.
Acres: 0.324
District: 9th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1961/ Council Bill 14-2 State of Maryland Code for the Handicapped and Ape's and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- C. Residentially: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- X E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 401, Line 2, Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code, Section 4.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed use comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- X I. Comments: A zoning permit is required. The north wall shall be a fire wall in compliance with Section 1407 and Table 1402. Section 1414 may also be applicable to exterior wall openings. Post proper signs for Handicapped Parking etc., Section 1805.0, 1806.0, 1807.0 and other applicable code sections shall be complied with.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of my permit.
If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CBS:bjg
PUSH 01-82

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Mr. A. Jablon

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November 18, 1983

All work within the State Highway Administration Right of Way must be through permit with the posting of a bond to guarantee construction.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle

IN RE: PETITION ZONING VARIANCES
NE/corner of York Road and
Willow Avenue - 9th Election
District
James Swartz,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-136-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of zero feet and eight feet and a rear yard setback of ten feet, all instead of the required 30 feet. The purpose of the request is to permit the construction of a one-story medical office building, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Also testifying for the Petitioner was Roger Z. Elliott, a neighbor and resident of the area immediately adjacent to the subject site. There were no Protestants.

Testimony indicated that the property is zoned B.R.-C.S.A., which allows an office building as a matter of right, and is bounded by York Road and Willow Avenue. The Petitioner requires a zero-foot side yard setback on the northern lot and an eight-foot setback on the south.

The office building proposed would require 14 parking spaces, as shown on Petitioner's Exhibit 1. If the building was to be relocated forward from its proposed placement, some of these spaces would be usurped and the Petitioner would not be able to meet the required number of spaces. The Petitioner also seeks a rear yard setback of ten feet. The Petitioner testified that the size of the proposed building is dictated by the unusual needs associated with a medical office building in that in order to attract doctors, associated medical services required by them need to be offered close by. The Petitioner has experience as a trustee

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for North Charles General Hospital and is familiar with doctors and the affiliated services required in a building dedicated to medical services.

Mr. Elliott testified that as an immediate neighbor to the rear, he is in favor of the proposed building as a buffer to the noise and traffic resulting from York Road. He testified that he talked with some of his neighbors who also are not opposed.

The Petitioner seeks relief from Section 238.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were to be granted, such use as proposed would not be contrary to the spirit of the regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the requested variances were not to be granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the

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use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of November, 1983, that the Petition for Variances to permit side yard setbacks of zero feet and eight feet and a rear yard setback of ten feet instead of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- A revised site plan showing appropriate landscaping and screening shall be submitted to and approved by the Current Planning and Development Division, Office of Planning and Zoning, and the Zoning Office.

[Signature]
Zoning Commissioner of
Baltimore County

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PETITION FOR VARIANCES

9th Election District

ZONING: Petition for Variances
LOCATION: Northeast corner of York Road and Willow Avenue
DATE & TIME: Wednesday, November 16, 1983 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit side yard setbacks of 0 ft. and 8 ft. and a rear yard setback of 10 ft., all in lieu of the required 30 ft.

The Zoning Regulation to be excepted as follows:
Section 238.2 - side and rear yard setbacks in B.R. zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of James Swartz, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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PHONE: 483-5150

KELLER & KELLER
State Registered Land Surveyors

3914 WOODLEE AVENUE
BALTIMORE, MARYLAND 21206

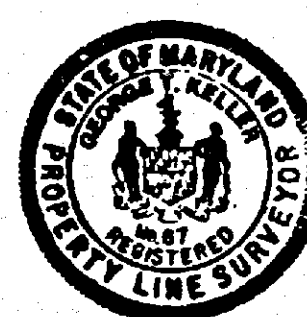
ZONING DESCRIPTION TO
ACCOMPANY VARIANCE PETITION
#200-#204 York Road

City, Farm and
Topographical Survey
Land Subdivisions
Earthwork Computations

Municipal Engineering
Construction Supervision
Road Location, Reports
Plans and Specifications

BEGINNING at the corner formed by the intersection of the East side of York Rd. & the North side of Willow Ave., and running thence along the said North side of Willow Ave. S. 85 15' E. 148.79' to the West side of a 15' alley; thence along said alley N. 16 43' E. 87.51'; thence for a line of division N. 78 01' W. 146.19' to the said East side of York Rd.; thence along East side of York Rd. S. 16 39' W. 106.24' to the place of beginning.

CONTAINING 0.324 Acres of land more or less



[Signature]
George T. Keller
Reg. Prof. F.L.S. No. 67

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November 18, 1983

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

IN RE: Petition Zoning Variances
NE/corner of York Road and Willow
Avenue - 9th Election District
James Swartz, Petitioners
Case No. 84-136-A

Dear Mr. North:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,
[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/ar1

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 14, 1983

Jeremy W. North, Esquire
200 Court Square Building
Baltimore, Maryland 21202

Re: Petition for Variances
NE/cor. York Rd. & Willow Avenue
James Swartz - Petitioner
Case No. 84-136-A

Dear Mr. North:

This is to advise you that \$55.59 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/21/83 ACCOUNT 1-01-615-000

AMOUNT \$55.59

RECEIVED FROM [Signature] FOR [Signature]

8 870*****555910 5176A

VALIDATION OR SIGNATURE OF CASHIER

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